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YOU AND PAY EQUITY

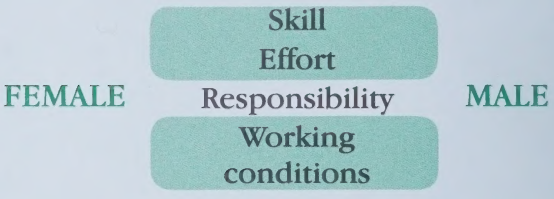
THE
PAY EQUITY
COMMISSION

Ontario

What is pay equity?

Pay equity means equal pay for work of equal value. The *Pay Equity Act* is a law that was passed to narrow the wage gap between men's and women's wages. Under the law, jobs usually held by women are compared with different jobs usually held by men.

To make these comparisons, the total value of skill, effort, responsibility and working conditions is looked at. If the female jobs (e.g. secretary) are paid less than male jobs with the same value in your workplace (e.g. service technician/installer of equipment), then the pay for the female jobs must be raised.



Do not confuse pay equity with "equal pay for equal work." (Equal pay for equal work is a law that requires an employer to pay the same wage to a man or a woman doing the same job in the same company, e.g. a male plumber and a female plumber.) If you have an equal-pay-for-equal-work complaint, please call the Employment Standards Branch of the Ministry of Labour in the Province Of Ontario. Check the number in the blue pages of your telephone book.

What is a Pay Equity Plan?

A pay equity plan shows how the jobs in your company were compared and how the pay will be increased for pay equity where required.

Wherever there is a union, there is a separate pay equity plan for each bargaining unit. The company and the union negotiate the pay equity plan for employees who are in the unit. The employer prepares a pay equity plan for all other employees who are not in the bargaining unit.

Pay equity plans are then posted for the employees' information.

What does posting mean?

Posting is the act of putting a copy of the pay equity plan in a prominent spot in the workplace where it can be seen and read by all of the employees.

When must your pay equity plan be posted?

Pay equity will be phased in depending on the kind of employer and the number of employees in the workplace.

Different rules apply for different employers in posting pay equity plans.

These employers MUST post a pay equity plan:

- **Public sector employers**
  The public sector includes public libraries, social service and other government agencies, child care centres, municipalities, school boards and hospitals as well as the Ontario government.
- **Private sector employers**
  All employers with *100 employees or more in Ontario on January 1, 1988 must post a pay equity plan.
  *The number of employees is based on the average number employed in the 1987 calendar year.

Size of company	When plans are posted	Date of first increase
Public sector employers	Jan. 1, 1990	Jan. 1, 1990
Private sector employers (with over 500 employees)	Jan. 1, 1990	Jan. 1, 1991
Private sector employers (with 100-499 employees)	Jan. 1, 1991	Jan. 1, 1992
*Private sector employers (with 50-99 employees)	Jan. 1, 1992	Jan. 1, 1993
*Private sector employers (with 10-49 employees)	Jan. 1, 1993	Jan. 1, 1994

*These employers may choose **NOT** to post a pay equity plan:

Private sector employers with fewer than 100 employees may choose not to post a pay equity plan.

Those who do not post a pay equity plan must still achieve pay equity. For private sector employers with 50-99 employees, pay equity must be achieved by January 1, 1993. For private sector employers with 10-49 employees, pay equity must be achieved by January 1, 1994.

These employers are NOT covered by the pay equity law and do not have to comply:

- the federal government
- federally regulated companies such as broadcasting stations and chartered banks
- most private sector employers with fewer than 10 employees in Ontario. If these employers should increase in size such that they have 10 or more employees, the *Pay Equity Act* applies immediately.

What should be in your pay equity plan?

- Name and address of your employer
- The establishment the plan applies to (this may be more than one workplace within the same county or regional municipality)
- Date of posting of the pay equity plan
- Female jobs covered by the plan
- Method used to compare jobs
- Results of the comparison (list of female jobs, the male jobs they were compared to, and the resulting pay increases. If there were no male jobs for comparison, this should be shown too.)
- Schedule of increases
- Name and phone number of contact for more information

Making a complaint:

If your employer chooses to post a pay equity plan, your involvement as an employee is a must. If there is a problem with your pay equity plan and you don't use your right to complain, the results of the pay equity plan will be around for a long time.

If your employer chooses NOT to post a pay equity plan, the process the company must follow does not change. Your employer will have to complete pay equity on the deadline specified in the law. You may ask your employer for proof that there is pay equity even after the deadline for implementing pay adjustments has passed.

Get the facts about your pay equity plan

Below are things you would want to know about your company's pay equity plan, whether it is posted or not.

A. Jobs covered by the plan

Look for your job or job title in the pay equity plan. It may be a *female job class* if most of the people doing it are female (60% or more). It may be a *male job class* if most of the people doing it are male (70% or more). Or the job class might be called *gender neutral* if about the same number of men and women work in the same job.

Read the pay equity plan carefully.
Ask yourself the following:

- Is my position listed in the correct job class? Are other positions in the correct job class?
- Do the positions in my job class have similar duties and responsibilities? Similar qualifications? The same salary grade or range of salary rates? The same hiring procedure?

A complaint could be made:

- if your job class has been incorrectly identified.

B. Job comparison system

Look for an explanation of how jobs were evaluated and compared. This will help you decide if the method used by your employer was fair.

Check the following:

- Were jobs evaluated based on skill, effort, responsibility and working conditions?
- Were the job classes fairly evaluated?

A complaint could be made:

- if you think the comparison system does not fairly measure the value of women's jobs.
- if the results of comparisons are inaccurate or incomplete.

C. Job rate

The job rate used for pay equity must include wages and benefits.

A complaint could be made:

- if the job rates for male and female jobs do not include both salary and benefits. (If benefits are already equal, they may not be shown.)
- if job rates have been reduced to achieve pay equity.

D. Reasons for differences in wages

There are some reasons why male and female jobs of comparable value may not be paid equally. Part-time work is not a reason for such a difference.

E. This year's increases in job rates

Your employer must spend at least 1% of the previous year's annual payroll each year until pay equity is achieved between male and female jobs of equal value, e.g. 1992 increases will be based on 1991 payroll figures.

Increases must be given to all female jobs found to be paid less than male jobs of equal or comparable value.

A complaint could be made:

- if the female job class with the lowest pay that is due an adjustment, is not given the largest increase.
- if every employee in a female job class has not received the same adjustment in dollar terms.
- if any employee entitled to an increase does not receive one.

If your employer is claiming any reason for not including some payments, wages or benefits in a job rate, call the Hotline to discuss how the law affects these situations.

Was your job properly valued?

All aspects of the work in a job class must be considered in order to properly give them a value on the basis of skill, effort, responsibility and working conditions.

Make sure that everything is included, taking note of all the important elements of the job. If some duties or responsibilities are left out, the job may not be evaluated fairly and the wrong male job might be used as a comparator. Remember that the people evaluating your job may not be familiar with all the elements of the job. Make sure that the information used to evaluate your job class gives an accurate picture of what you do.

Here are a few samples of the elements in women's jobs that are often overlooked:

SKILL:

- operating and maintaining several different types of office and manufacturing equipment
- ability to give injections and dispense medication to patients
- writing correspondence for others, proofreading and editing other people's work
- setting up manual and automated filing systems, records management and disposal
- training and orienting new staff
- doing typing and graphic arts

EFFORT:

- learning new office or plant technology
- staying for prolonged periods at computer terminals, lab benches and manufacturing equipment
- requiring delicate hand-eye co-ordination
- writing the content and deciding on format of reports and presentations to clients
- providing service to several people or departments and working to many simultaneous deadlines
- developing work schedules
- frequent lifting (office or medical supplies, retail goods, injured or sick people)

RESPONSIBILITY:

- responsibility for people, such as patients, children, customers, institutionalized people
- protecting confidentiality
- acting on behalf of absent supervisors
- representing the organization through communication with clients and the public
- supervising staff
- assuming responsibility for errors
- preventing possible damage to equipment
- co-ordinating schedules for many people

WORKING CONDITIONS:

- working in a condition of constant, medium-grade level of noise from phone calls, visitors, etc.
- exposure to disease and stress from caring for ill people
- exposure to toxic chemicals, fumes, dust, human waste
- exposure to VDTs which can result in eye strain, neck and back pain, headaches, blurred vision, dizziness, irritability and nausea
- constant interaction with the public, some of whom may be demanding, hostile and abusive
- cleaning offices, stores, machinery, hospital wards, washrooms
- risk of injury to the back from lifting, pushing, bending and twisting
- handling immediate, unplanned, multiple-demand requests

Some other factors may have been overlooked in the evaluation of your job class. Ensure that these are considered by the person or group doing the evaluation and comparison process.

Helpful hints for writing job information:

- Describe the job, not yourself. For example, you can state you "work with minimum supervision" but not you "need minimum supervision."
- Use active verbs such as assigns, charts, compiles, reports and schedules to describe your duties. Be specific about what you do. For example, say you "review, purchase and maintain inventory of office supplies" instead of you "order office supplies."
- Your job title is not covered by the law. This would be a good time to review it and ensure that it fits your job and your skill. For example, "Cleaner" or "Maintenance Worker" is more appropriate than "Cleaning Lady."

Tips for talking to your employer about pay equity

For employers who post their pay equity plans, the law allows their non-union employees 90 days from the posting date to discuss any questions, complaints or concerns about the pay equity plan. The employer must then repost the plan showing any changes from this process.

If there are no changes to be made in the plan, a notice must still be posted for the employees' information. If the employee concerned is still not satisfied with the action taken by the employer, the employee has 30 days after the reposting to file a complaint with the Pay Equity Commission. (You do not have to have spoken with your employer to raise an objection during this 30-day period.) The Commission will assign a Review Officer to look into the case. Employees can make effective use of the complaint periods to learn about how pay equity will affect their workplace and their job.

Employees of companies which do not post pay equity plans may inquire about how pay equity has been implemented. The employer must show evidence that pay equity has been achieved.

Before discussing your questions with your employer or the Pay Equity Commission, **consider the following:**

- Have you read the pay equity plan carefully?
- Have you read any material your employer has provided on pay equity?
- Have you discussed your concerns with other workers? Do they have the same concerns? Would you all be interested in presenting your questions to your employer as a group?

It would be helpful:

- to have a copy of the pay equity plan, your job description if available, and any other material about your wages and benefits.
- to write down your questions or concerns. If necessary, practise explaining your point of view with someone who will ask questions and assist your presentation.
- to make an appointment to see the person listed as the pay equity contact at your workplace. If no one is listed, contact the personnel manager, human resources manager or the person in charge of hiring.
- to bring useful information with you to the meeting. Take a co-worker along, if this would help you feel more comfortable.
- to present your case simply, supplying any information you think is missing from the pay equity plan about your job.
- to make notes of the answers given to your questions. It could be helpful in case you decide, at a later date, to make a complaint about the plan to the Pay Equity Commission.

The *Pay Equity Act* does not say what information employers must make available to employees when discussing pay equity. However, employees have the right to enough information to understand how pay equity has been achieved in their workplace. If you are not satisfied with the information you get from your employer, this could be the basis of an objection at the appropriate time to the Pay Equity Commission.

Your employer is not allowed to threaten or put pressure on you for exercising your rights under the *Pay Equity Act*.

Call the information hotlines of the Pay Equity Commission:

- if you do not have enough information about how pay equity was achieved in your workplace.
- if you are feeling threatened by your employer for asking about pay equity.
- if you need more information about the *Pay Equity Act*.

INFORMATION HOTLINES:

Ontario-wide (Toll-Free)

1-800-387-8813

1-800-387-8887

Toronto area

481-3314 481-3315

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5th Floor, 150 Eglinton Avenue East
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